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18JE-CC00432 - MICHAEL MYERS V AMERICAN FAMILY MUTUAL
INSURANCE C (E-CASE)

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10/25/2018

Corporation Served

Document ID - 18-SMCC-1714; Served To - AMERICAN FAMILY MUTUAL INSURANCE COMPANY;
Server - SO JEFFERSON COUNTY-HILLSBORO; Served Date - 26-OCT-18; Served Time - 00:00:00;
Service Type - Sheriff Department; Reason Description - Served; Service Text - CSC LAWYERS

09/11/2018

Summons Issued-Circuit

Document ID: 18-SMCC-1714, for AMERICAN FAMILY MUTUAL INSURANCE COMPANY.

09/07/2018

Request Filed

FOR SUMMONS

Filed By: CHARLES RAY WOOTEN

On Behalf Of: MICHAEL S MYERS MIKE

06/21/2018

Filing Info Sheet eFiling

Filed By: CHARLES RAY WOOTEN

Note to Clerk eFiling

Filed By: CHARLES RAY WOOTEN

Pet Filed in Circuit Ct

Plaintiffs Petition for Equitable Garnishment. PER ATTORNEY, HOLD FOR SERVICE.

Filed By: CHARLES RAY WOOTEN

On Behalf Of: MICHAEL S MYERS MIKE

Judge Assigned

**IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
JEFFERSON COUNTY, HILLSBORO MISSOURI**

MICHAEL S. MYERS)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	Division 1
AMERICAN FAMILY MUTUAL)	
INSURANCE COMPANY)	
Serve: HOLD SERVICE)	
)	
Defendants.)	

PLAINTIFF'S PETITION FOR EQUITABLE GARNISHMENT

COME NOW PLAINTIFF Michael S. Myers, and, for his cause of action against Defendants, states and alleges as follows:

1. At all times relevant hereto, Plaintiff Michael S. Myers was an individual over the age of 18 and a resident of Jefferson County, Missouri.
2. At all times relevant hereto, Defendant American Family Mutual Insurance Company was a corporation duly registered in the State of Missouri and doing business in Jefferson County, Missouri.
3. This is an action commenced under RSMo. §379.200, seeking to reach and apply insurance money to satisfy a final judgment entered in Plaintiff's favor against Wildwood Associates, L.P. and Nye Management, L.C., jointly and severably.
4. Venue is proper in this Court pursuant to RSMo. §508.010.
5. On or about August 21, 2015, Plaintiff commenced an action for damages against Wildwood Associates, L.P. and Nye Management, L.C. in the Circuit Court of Jefferson County, Cause No. 15JE-CC00630.

6. Plaintiff's lawsuit stemmed from injuries incurred on May 16, 2013, and the action set forth four counts: (1) premises liability against Wildwood Associates, L.P. as owner of the property where the injury occurred; (2) general negligence against Nye Management, L.C.; (3) *respondeat superior* against Nye Management, L.C. as employee of Wildwood Associates, L.P.; and (4) breach of contract against Nye Management, L.C.

7. Wildwood Associates, L.P. and Nye Management, L.C. were both personally served on or about August 31, 2015.

8. On the 19th day of September 2016 in the Circuit Court of the County of Jefferson, a bench trial was heard and Plaintiff recovered judgment against Wildwood Associates, L.P. and Nye Management, L.C., jointly and severably, for the amount of \$175,000.00 plus costs.

9. To date, that judgment remains in full force and wholly unsatisfied and more than thirty days have passed since Judgment in favor of Plaintiff was entered.

10. On the date Plaintiff's injuries occurred, Defendant American Family Mutual Insurance Company did insure Nye Management, L.C. under policy number 24XZ5692-01, which insured such loss to Plaintiff.

11. Upon information and belief, Nye Management, L.C. complied with all of the terms and conditions under the policy on the date of the injuries incurred by Plaintiff.

12. Under RSMo. §379.2000, Plaintiff is the judgment creditor to Wildwood Associates, L.P. and Nye Management, L.C., and is entitled to have his Judgment satisfied by Defendant American Family Mutual Insurance Company under the aforementioned policy of insurance covering Nye Management, L.C.

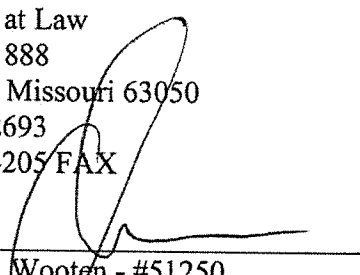
13. Plaintiff is entitled to proceed in equity to reach and apply the insurance proceeds to the satisfaction of the judgment.

WHEREFORE, Plaintiff prays for this Court's entry of Judgment in his favor and against Defendant American Family Mutual Insurance Company for \$175,000.00 plus taxable costs from Cause No. 15JE-CC00630, both with applicable statutory interest, as well as Plaintiff's costs incurred herein, and any other relief as the court deems just and proper under the circumstances.

Respectfully Submitted.

ROBERTS, WOOTEN & ZIMMER, L.L.C.

Attorneys at Law
P.O. Box 888
Hillsboro, Missouri 63050
636-797-2693
636-789-4205 FAX

By: 
Charles R. Wooten - #51250
CharlesWooten@RWZlaw.com
Attorney for Plaintiff

IN THE CIRCUIT COURT OF THE TWENTY-THIRD JUDICIAL CIRCUIT
JEFFERSON COUNTY, HILLSBORO MISSOURI

MICHAEL S. MYERS

Plaintiff,

v.

AMERICAN FAMILY MUTUAL
INSURANCE COMPANY

Serve:

CSC – Lawyers Incorporating

Service Company

221 Bolivar Street

Jefferson City, MO 65101

Defendants.

Case No.: 18JE-CC00432

Division 1

REQUEST FOR SUMMONS

COMES NOW Plaintiff, by and through counsel, requests a Summons be issued on Defendant, American Family Mutual Insurance Company, to be served through their registered agent, CSC – Lawyers Incorporating Service Company, at 221 Bolivar Street, Jefferson City, Missouri 65101.

Approved:

Clerk of the Circuit Court
Jefferson County, Missouri

By: _____

ROBERTS, WOOTEN & ZIMMER, LLC
Attorneys at law
P.O. Box 888
Hillsboro, Missouri 63050
(636) 797-2693
(636) 789-4205 Fax

By: /s/ Charles Wooten
Charles R. Wooten, #51250
CharlesWooten@RWZlaw.com
Attorney for Plaintiff



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

Judge or Division: TROY CARDONA	Case Number: 18JE-CC00432
Plaintiff/Petitioner: MICHAEL S MYERS MIKE	Plaintiff's/Petitioner's Attorney/Address CHARLES RAY WOOTEN 10438 HWY 21 PO BOX 888 HILLSBORO, MO 63050
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Other Miscellaneous Actions	

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: **AMERICAN FAMILY MUTUAL INSURANCE COMPANY**
REGISTERED AGENT: CSC – LAWYERS INCORPORATING SERVICE COMPANY

221 BOLIVAR STREET
JEFFERSON CITY MO 65101

COURT SEAL OF



JEFFERSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

MICHAEL E REUTER, CIRCUIT CLERK
BY: AMY ARMBRUSTER, DEPUTY CLERK
SEPTEMBER 11, 2018

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.

I certify that I have served the above summons by: (check one)

- ☐ delivering a copy of the summons and a copy of the petition to the defendant/respondent.
- ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to: _____ (name) _____ (title).
- ☐ other: _____

Served at _____ (address)
in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server _____

Signature of Sheriff or Server _____

Must be sworn before a notary public if not served by an authorized officer:

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.



IN THE 23RD JUDICIAL CIRCUIT, JEFFERSON COUNTY, MISSOURI

FILED

OCT 25 2018

Judge or Division: TROY CARDONA	Case Number: 18JE-CC00432
Plaintiff/Petitioner: MICHAEL S MYERS MIKE	Plaintiff's/Petitioner's Attorney/Address CHARLES RAY WOOTEN 10438 HWY 21 PO BOX 888 HILLSBORO, MO 63050
Defendant/Respondent: AMERICAN FAMILY MUTUAL INSURANCE COMPANY	Court Address: P O BOX 100 300 MAIN ST HILLSBORO, MO 63050
Nature of Suit: CC Other Miscellaneous Actions	

MICHAEL E. REUTER
CIRCUIT CLERK

RECEIVED

(Date File Stamp)

Summons in Civil Case

The State of Missouri to: AMERICAN FAMILY MUTUAL INSURANCE COMPANY

221 BOLIVAR STREET
JEFFERSON CITY MO 65101

COURT SEAL OF



JEFFERSON COUNTY

REGISTERED AGENT: CSC - LAWYERS INCORPORATING SERVICE COMPANY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

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☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with _____, a person of the defendant's/respondent's family over the age of 15 years who permanently resides with the defendant/respondent.

☒ (for service on a corporation) delivering a copy of the summons and a copy of the complaint to:

CSC (lawyer), SL (name) Designee (title).

☐ other: _____

Served at 350 E. High (address)

in Cole (County/City of St. Louis), MO, on 10-11-18 (date) at 8:00 AM (time).

John P Wheeler

Printed Name of Sheriff or Server

by Sgt. Anne May

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer.

Subscribed and sworn to before me on _____ (date).

(Seal)

My commission expires: _____

Date

Notary Public

Sheriff's Fees, if applicable

Summons	\$ _____
Non Est	\$ _____
Sheriff's Deputy Salary	\$ _____
Supplemental Surcharge	\$ 10.00
Mileage	\$ _____ (_____ miles @ \$ _____ per mile)
Total	\$ _____

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